UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

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HONORABLE RICHARD A. GADBOIS, JR.,
JUDGE PRESIDING

- - -

TOPANGA PRESS, INC., a
California corporation, et al.,
Plaintiff,

vs.

CITY OF LOS ANGELES,
a municipal corporation,
Defendant.

No. CV 88-7838-RG

[PARTIAL]
REPORTER'S TRANSCRIPT OF PROCEEDINGS
Los Angeles, California
Monday, June 17, 1991

LEONORE A. LeBLANC, CSR 2525
Official Reporter
455 United States Courthouse
312 North Spring Street
Los Angeles, California 90012
(213) 617-3071

* * *

THE COURT: All right. Both the motions to dismiss and to abstain are nevertheless denied.

Do you want to talk about the preliminary injunction now?

* * *

We might save each other a little bit of time if I tell you that it strikes me that the residential proximity challenge, in terms of the claim of unavailable land, is something that requires evidence to be taken.

* * *

THE COURT: I'll tell you what my position is. It's my intention to preliminarily enjoin the enforcement of the ordinance until we have a trial on this issue of residential proximity, which I think we can have in a matter of some weeks. There isn't any harm to the City, in that the City has forborne itself by reason of the extension and other non-action in this matter, and I see no reason why it can't be resolved within sixty days or so.

* * *

MR. MOONEY: So the trial would relate to all the issues raised —

THE COURT: Yes. Although only one of them really is a factual issue and that is the residential proximity and the availability of any land. I'm prepared

to rule on all of it at the same time, although the other two things are entirely legal, as I perceive them.

* * *

THE COURT: They have raised serious questions. There's no doubt about that. And the hardships are negligible to the City, if any at all, in the sense that there has been a forbearance of enforcement of this regulation for a long time, and I'm going to get to the issue real quickly. I don't want to talk about likelihood of success on the merits. I don't think I have to, because all I have to do is recognize that there are some very serious questions raised here.

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